

**FILED**

UNITED STATES COURT OF APPEALS

JUN 23 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KIMBERLY ALLEN, Personal  
Representative of the ESTATE OF TODD  
ALLEN; et al.,

Plaintiffs - Appellees,

v.

UNITED STATES OF AMERICA,

Defendant - Appellant.

No. 08-35123

D.C. No. CV-04-00131-JKS  
District of Alaska  
Anchorage

ORDER

**RECEIVED**

JUN 26 2008

CLERK, U.S. COURT  
ANCHORAGE, A.K.

The parties' stipulation to voluntary dismissal of this appeal is granted. This appeal is dismissed pursuant to Federal Rule of Appellate Procedure 42(b).

With the exception that the government has agreed to pay for the cost of the prepared transcript, each party is to bear its own costs to the appeal. A copy of this order sent to the district court shall act as and for the mandate of this court.

For the Court:

MOLLY C. DWYER  
Clerk of the Court

Linda K. King  
Deputy Clerk  
Ninth Cir. R. 27-7/Advisory Note to Rule 27  
and Ninth Circuit Rule 27-10

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